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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,459	12/12/2001	Yong Hyun An	K-0355	7276
34610	7590	02/08/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			SAMS, MATTHEW C	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/012,459	AN ET AL.	
	Examiner	Art Unit	
	Matthew C. Sams	2643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 3, 16, 23, 25, 29 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-15, 17-22, 24, 26-28, 30, 31, 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/9/2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-15, 17-22 and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US-6,456,234).

Regarding claim 1, Johnson teaches a system and method for proactive content delivery by situation location that includes a database server that receives and stores information on entities within a predetermined area (Col. 15 line 16 through Col. 16 line

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44), a data transmission server at a prescribed location that communicates with a customer's mobile terminal and automatically radio-transmits the information on the entities to the customer's mobile terminal when the customer enters into the predetermined area (Col. 7 line 39 through Col. 8 line 65), an operation server that controls the database server and the data transmission server and data transmission device (Fig. 10A-10C), a sudden information device, installed within the predetermined area, that radio-transmits sudden event information to the customer's mobile terminal when a sudden event is generated by one of the entities while the customer remains within a range where reception by the mobile terminal is possible, wherein the sudden event information is transmitted at different times than the information on the entities. (Col. 2 lines 10-67 and Col. 8 lines 45-65)

Regarding claim 2, Johnson teaches a radio data transmitter/receiver is installed in the data transmission server and the customer's mobile terminal, respectively for a mutual radio data transmission/reception. (Col. 6 line 55 through Col. 7 line 53)

Claim 3 was canceled previously.

Regarding claim 5, Johnson teaches a radio data transmitter/receiver is installed in the sudden information data transmission device to support the radio transmission. (Fig. 1 [110] and Col. 7 lines 25-27)

Regarding claim 6, Johnson teaches the prescribed location is within the predetermined area. (Col. 8 lines 29-65)

Regarding claim 7, Johnson teaches the predetermined area is a building. (Col. 8 lines 45-65)

Regarding claim 8, Johnson teaches the predetermined area is a building and the vicinity of the building. (Col. 8 lines 45-65)

Regarding claim 9, Johnson teaches the data transmission server communicates directly with the customer's mobile terminal. (Col. 7 lines 2-41)

Regarding claim 10, Johnson teaches the data transmission server communicates indirectly with the customer's mobile terminal. (Col. 7 line 54 through Col. 8 line 13)

Regarding claim 11, Johnson teaches the data transmission server communicates with the customer's mobile terminal through a third-party wireless communication gateway. (Col. 7 line 2 through Col. 8 line 13)

Regarding claim 12, Johnson teaches a method of operating an information service system comprising determining whether a potential customer enters a prescribed area (Col. 8 lines 29-65), obtaining general information about a product of a vendor from a database server (Col. 8 lines 60-63), automatically transmitting the general information between a data transmission server and a customer's mobile terminal when the potential customer enters the prescribed area (Col. 8 lines 29-65), receiving sudden event information from a network of a specified vendor, if a sudden event is generated by the specified vendor and registering the received event information in the database server and radio transmitting the sudden event information to the customer's mobile terminal, located within a range where reception by the mobile terminal is possible, by controlling a respective sudden information data transmission

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section, wherein the sudden event information is transmitted at different times than the general information. (Col. 8 lines 29-65, Fig. 11 and Fig. 12A)

Regarding claim 13, Johnson teaches the data transmission server transmits the general information to the mobile terminal by a wired or a radio medium. (Col. 2 lines 40-64)

Regarding claim 14, Johnson teaches receiving customer information, regarding the mobile terminal, with the data transmission server while transmitting the general information to the mobile terminal. (Col. 15 line 16 through Col. 16 line 44)

Regarding claim 15, Johnson teaches the customer information comprises at least one of a phone number of the mobile terminal and an Internet Protocol used by the mobile device. (Col. 15 lines 16-22)

Claim 16 was canceled previously.

Regarding claim 17, Johnson teaches the prescribed area is a building. (Col. 8 lines 45-65)

Regarding claim 18, Johnson teaches the predetermined area is a building and the vicinity of the building. (Col. 8 lines 45-65)

Regarding claim 19, Johnson teaches the data transmission server communicates directly with the customer's mobile terminal. (Col. 7 lines 2-41)

Regarding claim 20, Johnson teaches the data transmission server communicates indirectly with the customer's mobile terminal. (Col. 7 line 54 through Col. 8 line 13)

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Regarding claim 21, Johnson teaches the data transmission server communicates with the customer's mobile terminal through a third-party wireless communication gateway. (Col. 7 line 2 through Col. 8 line 13)

Regarding claim 22, Johnson teaches a method of operating an information service system comprising confirming entry of a customer into a building (Col. 8 lines 45-65), automatically obtaining information from a mobile terminal of the customer regarding the mobile terminal when the customer enters the building and registering the obtained information in a database server (Col. 15 line 16 through Col. 16 line 44), awaiting a sudden event from a vendor in the building (Col. 2 line 10 through Col. 3 line 50), obtaining sudden event information and transmitting the obtained sudden event information to the customer's mobile terminal, in the building, when the sudden event arrives from the vendor, wherein the sudden event information is radio-transmitted to the customer's mobile terminal, located within a range where reception by the mobile terminal is possible, by controlling a respective sudden information data transmission section installed within the building, and wherein the sudden event information is transmitted to indicate a sudden sale occurring in the building. (Col. 8 lines 29-65)

Claim 23 was canceled previously.

Regarding claim 35, Johnson teaches the sudden event information includes short-term discount selling or issuance of discount tickets. (Col. 3 lines 3-18)

Regarding claim 36, Johnson teaches the sudden event information includes short-term discount selling or issuance of discount tickets. (Col. 3 lines 3-18)

Regarding claim 37, Johnson teaches the sudden event information includes short-term discount selling or issuance of discount tickets. (Col. 3 lines 3-18)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Hoffberg (US-6,252,544).

Regarding claim 4, Johnson teaches an information service system as claimed in claim 1, but differs from the claimed invention by not mentioning the communications are all short-distance. However, Hoffberg teaches a mobile communication device with a location sensing system that communicates using short-range communications. (Col. 20 line 35 through Col. 21 line 8) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the short-range communications of Hoffberg into the information service system of Johnson. One of ordinary skill in the art would have been motivated to do this since having a short-distance communication format allows for smaller information service systems to be set up independently at business locations.



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6. Claims 24, 26-28, 30, 31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Rachabathuni et al. (US-6,628,938 hereafter, Rachabathuni).

Regarding claim 24, Johnson teaches a method of operating an information system comprising updating a database server with location information (Col. 15 line 16 through Col. 16 line 44), but differs from the claimed invention by not judging when a customer enters or leaves a building and updating or deleting stored user information depending upon the entrance or exit of a user from a location. However, Rachabathuni teaches a wireless system that utilizes short-range communication and user location awareness. (Col. 6 line 58 through Col. 7 line 43) Rachabathuni teaches the wireless system is configured to be able to update location data when arriving at a particular location (Col. 7 lines 8-29), gather user profile information (Col. 1 lines 19-34) and delete user information when required by the system. (Col. 6 lines 64-66) At the time the invention was made, it would be obvious to one of ordinary skill in the art to incorporate the user profile information of Rachabathuni into the communication system of Johnson. One of ordinary skill in the art would have been motivated to do this since using user profile information along with location information enables services to be relevant to a user's current location and taste. (Col. 1 line 50 through Col. 2 line 11)

Claim 25 was canceled previously.

Regarding claim 26, Johnson in view of Rachabathuni teaches a judgement of whether the customer enters or leaves a location is based on information regarding a mobile terminal of the customer received from the mobile communication network that

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can identify a location of the mobile terminal. (Rachabathuni Col. 6 line 58 through Col. 7 line 43)

Regarding claim 27, Johnson in view of Rachabathuni teaches temporarily registering the information regarding the mobile terminal in the database server, if the information received from the mobile communication networks indicates that the corresponding mobile terminal has come into the building and deleting the information regarding the mobile terminal temporarily stored in the database server if the information received from the mobile communication network indicates that the corresponding mobile terminal has left the building. (Rachabathuni Col. 6 line 58 through Col. 7 line 43)

Regarding claim 28, Johnson in view of Rachabathuni teaches a location server that determines whether a subscriber terminal has entered or left a predetermined area (Rachabathuni Col. 6 line 58 through Col. 7 line 43), a database server that stores information (Johnson Col. 15 line 16 through Col. 16 line 44), a data transmission server that automatically communicates the stored information to the subscriber terminal when the subscriber terminal is determined to enter the predetermined area (Johnson Col. 7 line 39 through Col. 8 line 65), a data transmission server communicates with the subscriber terminal when the subscriber terminal comes within communication range of the data transmission server (Johnson Col. 7 line 39 through Col. 8 line 65 and Fig. 10A-10C), the location server registers identification information received from the subscriber terminal in the database server, if the subscriber terminal is not currently registered (Rachabathuni Col. 3 lines 5-11), the location server determines that the

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subscriber terminal has entered the predetermined area, if the subscriber terminal is not currently registered when the location server receives the identification information and the location server determines that the subscriber terminal has left the predetermined area, if the subscriber terminal is currently registered when the location server receives the identification information. (Rachabathuni Col. 6 line 58 through Col. 7 line 43)

Claim 29 was canceled previously.

Regarding claim 30, Johnson in view of Rachabathuni teaches a location server receives identification information of the subscriber terminal from a network server, if the network server detects that the subscriber terminal is located near the predetermined area for a predetermined period of time (Rachabathuni Col. 8 lines 9-29), the location server receives subsequent identification information of the subscriber terminal from the network server, if the network server detects that the subscriber terminal has left the predetermined area after being located within the predetermined area for the predetermined period of time and the location server determines whether the subscriber terminal has entered or left the predetermined area based on the identification information and the subsequent identification information. (Rachabathuni Col. 6 line 58 through Col. 8 line 29)

Regarding claim 31, Johnson in view of Rachabathuni teaches an information service method comprising determining whether a subscriber terminal has entered or left a predetermined area (Rachabathuni Col. 6 line 58 through Col. 8 line 29), storing information in a database server (Johnson Col. 15 line 16 through Col. 16 line 44), automatically communicating the stored information to the subscriber terminal when the

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subscriber terminal is determined to enter the predetermined area (Johnson Col. 7 line 39 through Col. 8 line 65), automatically communicating with the subscriber terminal when the subscriber terminal comes within communication range of a data transmission server (Johnson Col. 7 line 39 through Col. 8 line 65), automatically registering identification information received from the subscriber terminal in the database server, if the subscriber terminal is not currently registered (Rachabathuni Col. 3 lines 5-11), determining that the subscriber terminal has entered the predetermined area, if the subscriber terminal is not currently registered when the location server receives the identification information and determining that the subscriber terminal has left the predetermined area if the subscriber terminal is currently registered when the location server receives the identification information. (Rachabathuni Col. 6 line 58 through Col. 8 line 29)

Claim 32 was canceled previously.

Regarding claim 33, Johnson in view of Rachabathuni teaches receiving identification information of the subscriber terminal from the network server, if the network server detects that the subscriber terminal is located near the predetermined area for a predetermined period of time, receiving subsequent identification information of the subscriber terminal from the network server (Johnson Col. 7 line 39 through Col. 8 line 65), if the network server detects that the subscriber terminal has left the predetermined area after being located within the predetermined area for the predetermined period of time and determining whether the subscriber terminal has entered or left the predetermined area based on the identification information and the

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subsequent identification information. (Rachabathuni Col. 6 line 58 through Col. 8 line 29)

Regarding claim 34, Johnson in view of Rachabathuni teaches the information stored in the database is obtained from vendors within the predetermined area. (Johnson Col. 8 lines 29-65 and Rachabathuni Col. 7 lines 38-43)

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS  
2/2/2006

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**